

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
JOSEPHINE JOINER)	BANKRUPTCY NO. 05-69241 JPK
)	Chapter 7
Debtor.)	

ORDER REGARDING PROCEDURES

On February 16, 2006, the Court entered an order dismissing the debtor's case. That order in part stated that in the event Ms. Joiner were to file a subsequent chapter 7 case within 180 days from the date of filing of case no. 05-69241 (October 17, 2005), the Court would consider waiver of the filing fee for the subsequent chapter 7 case upon the debtor's filing an application for waiver pursuant to 28 U.S.C. §1930(f). On February 27, 2006, the clerk docketed as docket record entry # 21 in the above-designated case a letter from the debtor, which requests waiver of a filing fee, but also requests that case no. 05-69241 be reinstated and/or reopened.

The debtor has misconstrued the Court's February 16, 2006 order.

It is not possible to reopen or reinstate case no. 05-69241: that case has been irrevocably dismissed. In order for Ms. Joiner to obtain relief under Chapter 7 of the Bankruptcy Code, it will be necessary for her to file an entirely new case – with a new petition, new schedules, new statement of financial affairs, and all other documents required for the filing of such a case. The Court is aware that Ms. Joiner has obtained the pre-petition counseling required by 11 U.S.C. §109(h), and that she has in her possession a certificate evidencing her compliance with that provision: that certificate must also be filed with the Court at the time that she files the documents with respect to her new chapter 7 case. At the time that case is filed, it will not be necessary for Ms. Joiner to pay a filing fee, provided that she files at that time an application for waiver of the filing fee in the form and manner required by 28 U.S.C. §1930(f). If

upon review of that application, the Court determines that she is entitled to a waiver of fees pursuant to that statute, the Court will waive the filing fee; however, in order to waive the fee, the application must be filed in proper form.

The office of the Clerk of the United States Bankruptcy Court will assist Ms. Joiner with respect to the filing of her new case at the time she presents the documentation necessary to initiate to the Clerk.

IT IS ORDERED that the correspondence docketed as docket record entry #21 presents nothing to the Court upon which the Court can presently act, and that to the extent that the correspondence requests reinstatement or reopening of case no. 05-69241, that requests is DENIED.

Dated at Hammond, Indiana on March 14, 2006.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Pro Se Debtor
Trustee, U.S. Trustee